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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,321	11/14/2003	Clifford Shiroku Shimizu	MV03-006	1232

7590
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EXAMINER

FATAHI YAR, MAHMOUD

ART UNIT	PAPER NUMBER
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2629

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04/30/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/713,321

Applicant(s)

SHIMIZU, CLIFFORD SHIROKU

Examiner

MAHMOUD FATAHI YAR

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 7-13, 16-22 and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Advani et al(6,057,839) in view of Brown et al(2003/0142143A1) and Chang et al(7,131,113B2).

Advani et al discloses a visualization tool for graphically displaying trace data produced by a plurality of processors in a parallel processing computer comprising a first graphic type indicative of a processor activity or utility(column 3, lines 37-55; column 4, lines 46-67; column 5, lines 42-57; column 7, lines 57-67) and a second graphic type indicative of a message passing display or an event highlighting function for displaying sent or received events for each processor in a square shaped color(column 8, lines 18-67). While processor activity or utility in the system of Advani et al is considered as a processor usage, but Brown et al is cited to show that the concept of displaying an indicator for each resource usage or activity such as CPU usage, in a computer system is old(paragraphs[0040]-[0046] and [0058]-[0067]). Brown et al further teaches that a "resource usage" may include hardware, software elements or applications(paragraphs[0040] and [0044]). Thus, it would have been obvious to one of ordinary skill in the art to modify the system of Advani et al with the noted teachings of Brown et al such

that to display a first graphic indicator indicative of a processor usage such as processor assignment and displaying a second graphic indicator indicative of an application assignment for each processor because both references are related to displaying graphical indications indicating various types of processor activity or utility and further because Advani et al also in figure 5 show a graphical user interface for indicating usage, activity or status of each processors 5051-5055.

In claims 1, 10 and 19, as to the limitation “a first graphic type indicative of processor clustering”, Advani et al substantially show all the features of the above claims except for the “graphical clustering indicator”. While Advani et al in figures 5 and 6A show graphical representation which could be considered as indicative of five or four clustered processors but Chang et al is cited to show that the concept of utilizing graphical representation indicative of processor clustering is old(see figures 3-7 and column 6, lines 51-67 and column 7-8). Thus, it would have been obvious to one of ordinary skill in the art to modify the system of Advani et al with the above noted teaching of Chang et al such that the first graphic indicator of Advani et al also indicate processor clustering, as evidence by Chang et al, because both references are related to a visualization tool for graphically displaying trace data indicators produces by a plurality of processors in a parallel processing computer.

In claims 2-4, 8-9, 9-11, 20-21 and 26, as to the limitations “color indicator” and “group indicator”, such are also shown to be old by Advani et al(see column 7, lines 58-67; column 8, lines 18-67; column 9),

In claims 7, 16, and 25, as to the limitation "a bar graphic indicator" such is also shown to be old by Advani et al (see figures 5 and 6C).

3. Claims 5-6, 14-15 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Advani et al, Brown et al and Chang et al as applied to claims 1, 10 and 19 above, and further in view of Manghirmalani et al (5,819,028).

Advani et al, Brown et al and Chang et al are discussed above. Manghirmalani et al is cited to show the broad concept of utilizing a graphical indicator as a gauge to indicate a range is old (see figure 3; column 8, lines 16-19). Thus, it would have been obvious to one of ordinary skill in the art to apply the above noted teaching of Manghirmalani et al to the modified system of Advani et al such that to use a graphical gauge indicator for indicating a processor usage range because Advani et al also at column 8 state the use of a pie chart, bar graphs and the like for indicating the processor usage.

4. Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Fatahiyar whose telephone number is (571)272-7688. The examiner can normally be reached on Monday-Friday from 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe, can be reached on 571-272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Mike Fatahiyar/

Examiner, Art Unit 2629

April 26, 2008

/Richard Hjerpe/

Supervisory Patent Examiner, Art Unit 2629